

Message Text

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ACTION EA-09

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R 290216Z JUL 76

FM AMEMBASSY MANILA

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INFO SECDEF WASHDC

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPHIL SUBIC

CG 13TH AF CLARK

C O N F I D E N T I A L MANILA 11145

CINCPAC ALSO FOR POLAD

FROM USDEL 162

E O 11652: GDS

TAGS: MARR, RP

SUBJ: PHILIPPINE BASE NEGOTIATIONS: DAILY SUMMARY 27

REF: A) MANILA 10791 (USDEL 146 DTG 221201Z JULY 76)

1. SUMMARY: PANELS MET IN PLENARY SESSION MORNING OF JULY 28, AND WORKED THROUGH PREAMBLE AND ARTICLES ON JOINT COMMISSION AND CONSTRUCTION ON FACILITIES. RESULT WAS CONSIDERABLE DISAGREEMENT ON ONCE-AGREED PREAMBLE, SOME DISAGREEMENT ON JOINT COMMISSION AND AGREED ARTICLE ON CONSTRUCTION. CHAIRMENS, FACILITIES, COMMAND AND CONTROL, AND LABOR WORKING GROUPS MET IN AFTERNOON. CHAIRMEN RESOLVED (FOR THE MOMENT) MOST DISAGREEMENTS ON PREAMBLE AND JOINT COMMISSION, AND COMMAND GROUP
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PRODUCED AD REFERENDUM TEXT FOR A NEW ARTICLE VI ON

ACCESS AND MOVEMENT. END SUMMARY

2. PLENARY RESUMED JULY 28 WITH MORNING SESSION DESIGNED TO BEGIN REVIEW OF JOINT WORKING DRAFTS DEVELOPED OVER PAST WEEK BY CHAIRMEN AND BY WORKING GROUPS. DISCUSSION WENT NO FURTHER THAN THREE OF THE ITEMS CONSIDERED BY THE CHAIRMEN: (1) THE PREAMBLE; (2) THE JOINT COMMISSION; AND (3) CONSTRUCTION ON FACILITIES. MOST OF MORNING WAS DEVOTED TO THE PREAMBLE. PULLING AND TEARING FROM PHILIPPINE SIDE, NOTABLY PELAEZ, ON DRAFT TEXT PREVIOUSLY AGREED BETWEEN TWO PANEL CHAIRMEN RESULTED IN LANGUAGE CRIPPLED WITH BRACKETED DISAGREEMENTS. CHAIRMEN TOOK PREAMBLE BACK FOR FURTHER CONSIDERATION IN AFTERNOON WORKING GROUP SESSION (SEE PARA 3). THE JOINT COMMISSION FARED BETTER BUT MODIFICATIONS WERE SUGGESTED BY PHIL SIDE (SEPTTEL). PHILS WISH TO INCLUDE A COMMITTEE ON LABOR IN JOINT COMMISSION. SULLIVAN POINTED OUT THAT A LABOR COMMITTEE ALREADY EXISTS UNDER AEGIS OF BLA, WHOSE CONTINUED EXISTENCE U.S. CONSIDERS A MATTER OF PRINCIPLE. U.S. SIDE FOUND ITSELF WITH UNLIKELY ALLY OF PHIL LABOR REP INCIONG, WHO HAS NO DESIRE TO SEE LABOR MATTERS SUBMERGED IN JOINT COMMISSION. AS AN HISTORIC FIRST, THERE WAS COMPLETE AGREEMENT ON CONSTRUCTION ON FACILITIES (REF A). ON THE BASIS OF THIS MORNING'S SESSION, WE CAN EXPECT THAT THE JOINT WORKING DRAFTS WILL RECEIVE CLOSE SCRUTINY FROM THE PHIL PANEL WHEN AIRED IN THE PLENARY.

3. CHAIRMEN'S GROUP MET IN AFTERNOON AND TURNED IMMEDIATELY TO RECONSIDERATION OF THE PREAMBLE. A TEXT WAS AGREED AD REFERENDUM AND IS CONTAINED IN SEPTTEL. CHAIRMEN NEXT CONSIDERED ARTICLE ON JOINT COMMISSION WHICH WAS ALSO AGREED SUBJECT TO CONTINGENT DEVELOPMENTS CONCERNING CRIMINAL JURISDICTION AND LABOR. FINALLY, CHAIRMEN DEVELOPED GUIDANCE PAPER FOR LABOR WORKING GROUP IN EFFORT RESOLVE STALEMATES WHICH HAVE DEVELOPED IN THAT GROUP. CHAIRMEN AGREED TO WORKING GROUP MEETINGS MORNING JULY 29, ALTHOUGH MANY MILITARY MEMBERS WILL BE ABSENT DUE TO CONCURRENT MEETING OF MUTUAL DEFENSE BOARD. CONFIDENTIAL

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4. FACILITIES. WITH ASSISTANCE OF FORESTRY EXPERTS FROM SUBIC AND GOP BUREAU OF FOREST DEVELOPMENT, FACILITIES WORKING GROUP AGAIN REVIEWED PROPOSED ARTICLE ON NATURAL RESOURCES, WITH FOLLOWING DEVELOPMENTS:

(A) PHILS ARE VERY INSISTENT ON RELINQUISHMENT OF JAD-JAD WATERSHED SERVING ONLY OLONGAPO. HOWEVER, THERE

IS SOME POSSIBILITY THEY MIGHT BE PREPARED TO ACCEPT US RETENTION OF WATERSHED AREAS OF THE THREE RIVERS (BOTON, BINICTICAN AND MALAWAAN) SERVING THE PRESENT NAVAL BASE;

(B) WITHOUT OBJECTION BY PELAEZ, CAPT. OCHOCO STATED THAT U.S. SHOULD PAY FOR USE OF WATER;

(C) PELAEZ SAID GOP COULD NOT ACCEPT ANY SPECIFIC REFERENCE IN A PUBLIC AGREEMENT TO SELECTIVE TIMBER HARVESTING OR USE OF ROCK AND GRAVEL, BUT MIGHT BE PREPARED TO GIVE US A PRIVATE AUTHORIZATION TO DO SO; AND

(D) U.S. AND PHIL FORESTERS WILL JOINTLY SURVEY PRESENT PROGRAMS OF FOREST MANAGEMENT AT SUBIC.

USDEL WILL FOLLOW UP THESE ITEMS AT EARLIEST OPPORTUNITY, BUT NEXT WORKING GROUP MEETING IS SCHEDULED TO DISCUSS ARTICLE II AND ITS ACCOMPANYING ANNEX.

5. COMMAND AND CONTROL. AS A RESULT OF TODAY'S DISCUSSIONS, ANTICIPATE FORWARDING BY 30 JULY AD REFERENDUM LANGUAGE OF WORKING PAPERS, WITH BRACKETS, FOR A NEW ARTICLE SIX TITLED ACCESS AND MOVEMENT THAT WOULD TAKE THE PLACE OF U.S. ARTICLE IX, U. S. ARTICLE XII, PARTS OF U.S. ARTICLE VII AND PHIL ARTICLE VI. MAJOR DISAGREED AREAS ARE STILL PORT CONTROL AND AIR TRAFFIC CONTROL, BUT ISSUE OF "AGREED FORCE LEVELS" HAS CREP IN AGAIN FROM ANNEXES C AND D TO PHIL ARTICLE VI.

6. LEGAL AND TAXATION GROUPS DID NOT MEET.

7. LABOR. THE LABOR WORKING GROUP MET IN THE AFTERNOON, AND WORKED ON AGREED SINGLE TEXTS WITH BRACKETS
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COVERING RIF, CONTRACTING OUT AND PREFERENTIAL EMPLOYMENT. HOWEVER, NO SUCH TEXTS WERE FINALIZED TODAY. AS WE WORKED ALONG, INCIONG BEGAN LIFTING CONSIDERABLE PHRASEOLOGY FROM THE BLA FOR THE DRAFT ON CONTRACTING OUT. HE ALSO CAME UP WITH A NEW PARAGRAPH ON FIXING COMPENSATION BY USE OF THE PRESENT TECHNICAL SURVEY METHOD WHICH WOULD INVOLVE "JOINT" UNION/MANAGEMENT DETERMINATIONS ACROSS THE FULL SPECTRUM OF THE PROCESS, INCLUDING FINAL DETERMINATIONS OF WAGES AND BENEFITS NOW MADE BY PACOM JOINT LABOR POLICY COMMITTEE IN HAWAII. IT AECAME APPARENT THAT HE WAS IN THE PROCESS OF GENERATING REALITY FOR HIS STATEMENT TO THE MORNING PLENARY THAT WHEN THE LABOR GROUP HAD FINISHED THE PARAGRAPHS IT WAS WORKING ON, THE BLA WOULD BE A HOLLOW SHELL. WE ARE CONTINUING, HOWEVER, TO MAKE SPECIFIC

REFERENCE TO THE BLA IN THE U.S. TEXTS. THE LABOR
GROUP WILL MEET ON 30 JULY.
SULLIVAN

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